



## *Report to the Auburn City Council*

Agenda Item No. 15

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Robert Richardson, City Manager  
**Prepared by:** Amy M. Lind, Deputy/Assistant City Clerk (AL)  
**Date:** June 11, 2012  
**Subject:** Public Hearing to Levy Annual Assessment Fee for Business Improvement Districts

### The Issue

Shall the Council hold a Public Hearing before adopting a Resolution to levy assessments for Fiscal Year 2012-13 in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District?

### Conclusion and Recommendation

Staff recommends that the City Council following a Public Hearing to receive public testimony, adopt by **RESOLUTION** the 2012-13 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

### Background

State Law enables the establishment of Parking and Business Improvement Areas. Business Improvement Districts (BID) were established for the Old Town and Downtown Areas, with the City Business Licensing process utilized as the collection for those assessment fees.

On May 14, 2012 the City Council declared its intention to levy and collect assessments within the Old Town BID and the Downtown BID for Fiscal Year 2012-13. At this meeting the City Council approved the Annual Reports from both the Old Town and Downtown BID's and adopted a Resolution of its intent to levy and collect annual assessment fees within both districts. A copy of this resolution was published in the Auburn Journal on May 20, 2012 to notify residents on the public hearing to be held June 11, 2012 (attached for reference, exhibit A). Due to a proposed change in Old Town BID fees, each member of that BID received a public hearing notice and proposed fees via mail (attached for reference, exhibit B).

The City Council will hold the public hearing to hear any comments from interested persons affected by the assessment fees.

**Alternatives Available to Council; Implications of Alternatives**

*After holding the Public Hearing to receive comments regarding the Assessment fees the City Council has the following options for the adoption of the Assessment Fee Schedule for both Old Town and Downtown Auburn Business Improvement District, thereby the City Council hereby:*

1. Adopt the 2012-13 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District, or
2. Do not adopt the 2012-13 Levying of Assessment in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

**Fiscal Impact**

There is no fiscal impact on the City other than the cost of public notices and of processing the collection of assessment which is billed with the business license tax at the end of June.

## NOTICE OF PUBLIC HEARING

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## NOTICE OF PUBLIC HEARING

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF AUBURN OF ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT IN THE AUBURN PARKING AND BUSINESS IMPROVEMENT AREA (DOWNTOWN AND THE HISTORIC AUBURN PARKING AND BUSINESS IMPROVEMENT AREA (OLD TOWN)) FOR THE FISCAL YEAR 2012-13, AND SET A TIME AND PLACE FOR PUBLIC HEARING

WHEREAS, Title 3, Chapter 2, of the Auburn Municipal Code established both the Parking and Business Improvement Area and the Historic Auburn Parking and Business Improvement Area Law of 1989; and

WHEREAS, May 14, 2012 the City Council designated the City Manager as the Advisory Board for the Parking and Business Improvement Areas; and

WHEREAS, pursuant to law, said Advisory Board caused to be prepared and filed with the City, a report indicating the assessments which are to be levied and collected for fiscal year 2012-13 to pay the cost for certain improvements and activities and the basis and method of levying said assessment; and

WHEREAS, the City Council met on May 14, 2012 to review and consider the reports and did approve same at said meeting and adopted a RESOLUTION OF INTENTION setting a date for public hearing on June 11, 2012. Due to a proposed change in fees for the Old Town Business Association, a notice will be mailed separately to each affected business.

Amy M. Lind, Deputy City Clerk  
City of Auburn

PUBLISHED IN AUBURN JOURNAL, MAY 20, 2012

## EXHIBIT A

The above space is reserved for Court/County Filed Date Stamp

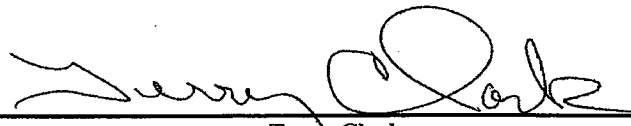
**PROOF OF PUBLICATION  
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA  
County of Placer**

I am a citizen of the United States and employed by a publication in the County aforesaid. I am over the age of eighteen years, and not a party to the mentioned matter. I am the principal clerk of **The Auburn Journal**, a newspaper of general circulation, in the **City of Auburn**, which is printed and published in the **County of Placer**. This newspaper has been judged a newspaper of general circulation by the Superior Court of the State of California, in and for the **County of Placer**, on the date of May 26, 1952 (Case Number 17407). The notice, of which the attached is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**MAY 20**

I certify, under penalty of perjury, that the foregoing is true and correct.

  
Terry Clark

Dated in Auburn, California

**MAY 20, 2012**

**PROOF OF PUBLICATION  
THE AUBURN JOURNAL  
1030 High Street  
Auburn, CA 95604-5910**

NOTICE OF PUBLIC HEARING

**A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF AUBURN OF ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT IN THE AUBURN PARKING AND BUSINESS IMPROVEMENT AREA (DOWNTOWN AND THE HISTORIC AUBURN PARKING AND BUSINESS IMPROVEMENT AREA (OLD TOWN) FOR THE FISCAL YEAR 2012-13, AND SET A TIME AND PLACE FOR PUBLIC HEARING: June 11, 2012 City Hall, 6:00 p.m.**

**WHEREAS,** Title 3, Chapter 2, of the Auburn Municipal Code established both the Parking and Business Improvement Area and the Historic Auburn Parking and Business Improvement Area Law of 1989; and

**WHEREAS,** May 14, 2012 the City Council designed the City Manager as the Advisory Board for the Parking and Business Improvement Areas; and

**WHEREAS,** pursuant to law, said Advisory Board caused to be prepared and filed with the City, a report indicating the assessments which are to be levied and collected for fiscal year 2012-13 to pay the cost for certain improvements and activities and the basis and method of levying said assessment; and

**WHEREAS,** the City Council met on May 14, 2012 to review and consider the reports and did approve same at said meeting and adopted a RESOLUTION OF INTENTION setting a date for public hearing on June 11, 2012. Due to a proposed change in fees for the Old Town Business Association; a notice will be mailed separately to each affected business. A copy of the proposed fees is attached.

Amy M. Lind  
Deputy City Clerk  
City of Auburn  
(530) 823-4211 X112

## **OLD TOWN BUSINESS IMPROVEMENT DISTRICT**

### **BASIS OF ASSESSMENT**

#### **Old Town BID:**

#### **Three categories of assessments**

1. RETAIL
2. PERSONAL SERVICE – Includes, but not limited to, all licensed hair stylists, cosmetologists, massage therapists and manicurists who operate as independent contractors within a salon.
3. PROFESSIONAL SERVICE – with one or more owners or principles of a company.

Retail Assessment is \$2.00 per \$1000.00 of sales with no minimum of sales under \$100,000.00

Personal Services	\$ 25.00
Professional Services	\$250.00
Retail annual sales \$100,000.00 to \$200,000.00	\$300.00
Retail annual sales \$200,000.00 to \$500,000.00	\$400.00
Retail annual sales \$500,000.00 to \$1,000,000.00	\$500.00
Retail annual sales \$1,000,000.00 to \$1,500,000.00	\$600.00
Retail annual sales over \$1,500,000	700.00

1 RESOLUTION NO. 12-

2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, CA  
3 LEVYING ANNUAL ASSESSMENTS IN CONNECTION WITH THE OLD TOWN  
4 AUBURN BUSINESS IMPROVEMENT DISTRICT AND THE DOWNTOWN  
5 BUSINESS IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2012/13.  
6 -----

7 THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE:

8 **WHEREAS**, in 2002 the City Council established the Old Town Auburn Business  
9 Improvement District (the "Old Town BID") and the Downtown Business  
10 Improvement District (the "Downtown BID") as parking and business  
11 improvements areas pursuant to the Parking & Business Improvement Area  
12 Law of 1989 (Streets & Highways Code Sec 36500 et. Seq.) (the "1989 Law");  
13 and

14 **WHEREAS**, by prior resolution dated May 14, 2012, the City Council declared  
15 its intention to levy and collect assessments within the Old Town BID and the  
16 Downtown BID for Fiscal Year 2012/13; and

17 **WHEREAS**, on June 11, 2012, the City Council held a properly noticed public  
18 hearing pursuant to Section 36534 (b) of the 1989 Law, at which all  
19 interested persons had an opportunity to present oral and written testimony on  
20 the proposed Fiscal Year 2012/13 levy.

21 **NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE**  
22 **CITY OF AUBURN, CALIFORNIA DOES RESOLVE AS FOLLOWS:**

23 Section 1. The City Council has considered and hereby overrules any protests  
24 made at the June 11, 2012 public hearing.

25 Section 2. The City Council hereby finally confirms the reports entitled "Annual  
26 Report for the Old Town Auburn Business Improvement District, Fiscal Year  
27 2012/13" and "Annual Report for the Downtown Business Improvement  
28 District, Fiscal Year 2012/13" (the "Reports"), each as originally filed in the

1 Office of the City Clerk and without change. The reports, which are on file in  
2 the Office of the City Clerk and available for public inspection, are hereby  
3 incorporated herein by reference.

4 Section 3. Pursuant to Section 36535 (c) of the 1989 Law, the adoption of this  
5 Resolution constitutes the levy of the assessments for Fiscal Year 2012/13 in  
6 connection with the Old Town BID and Downtown BID.

7 PASSED, APPROVED AND ADOPTED,

8 DATED: June 11, 2012

9  
\_\_\_\_\_  
Kevin Hanley, Mayor

10 ATTEST:

11  
\_\_\_\_\_  
12 Joseph G. R. Labrie, City Clerk

13  
14  
15 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
16 that the foregoing resolution was duly passed at a regular meeting of the City  
17 Council of the City of Auburn held on the 11<sup>th</sup> day of June 2012 by the  
following vote on roll call:

18 Ayes:

19 Noes:

20 Absent:

21  
\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

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